IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 8306 of 2007(L)

I.A.NO.84/07 IN OS.41/2002 of MUNSIFF COURT, KOLENCHERRRY

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PETITIONER:

THOMAS,S/O.VARKEY,MANIYAMPURATH HOUSE,
PANKODE KARA,AIKKARANAD NORTH VILLAGE.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL
SRI.BINOY VASUDEVAN

RESPONDENTS:

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1. **SAJU P.VARGHESE,S/O.VARGHESE,**
   PADINJAKKARAYIL HOUSE,PANKODE KARA,AIKKARANAD NORTH VILLAGE.

2. **C.K.PAUL,S/O.KURAKKO,CHOLLATT HOUSE**
   -DO-

3. **SABU ALIAS, S/O. ALIAS,POOKKOLAYIL,**
   -DO-

4. **MATHAI,S/O.VARKEY,MELEKULANGARA HOUSE**
   -DO-

5. **ST.PETERS & ST.PAULS,PANGOTTKARA,**
   PAREPPEEDIKA,REPRESENTED BY ITS TRUSTEE,

6. **P.K.VARHGESE,S/O.KURIAKKO,**
   POOKKOLAYIL HOUSE,PANKODE KARA,PAREEPPEEDIKA.

7. **REV.FATHER VARGHESE,S/O.PAULOSE,**
   KALAPPURAKKAL HOUSE,KOLENCHERY VIA,
   KADAYIRUPPU KARA.

8. **VARKEY,S/O.MATHAI,MELEKULANGARA HOUSE**
   VADAVUCODE VIA, PANKODE KARA.

9. **GEORGE M.MATHAI,S/O.MATHAI,MELEKULANGARA HOUSE,VADAVUCODE VIA,PANKODE KARA.**

10. **ST.PETERS & ST.PAULS CYRIAN SIMHASANA TRUST,PAREPPEEDIKA,PANKODE REPRESENTED BY ITS PRESIDENT.**

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P.BALACHANDRAN, J.

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W.P.(C)NO.8306 OF 2007

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Dated this the 13th day of March 2007

JUDGMENT

The petitioner filed Ext.P1 petition to implead him in O.S.41/02 filed by respondents 1 to 4 against other respondents. According to him, he is a necessary party to the suit and the suit is one filed under the Order I Rule 8 of the Code of Civil Procedure. It is the case of the petitioner that paper publication was effected in Mangalam daily in English on 13.2.2007 asking interested parties to appear on 15.2.2007 as the suit was filed under Order I Rule 8; that the petitioner is one who could not read and understand English and the paper publication was brought to his notice by one Kuriakose and therefore he filed I.A.86/07 (Ext.P2) to set aside the ex parte order passed on 15.2.2007 and Ext.P1 petition to implead him as additional 7th defendant. It is submitted that Ext.P1 petition was dismissed by the court below on 9.3.2007 and apart from making an oral application for carbon copy of the said order application for copy was made on 12.3.2007 and that copy is not obtained yet but the trial of the suit is being proceeded with and thereby he is put to much hardship and irreparable injury.

2. In the circumstance, I direct the Munsiff, Kolancherry to issue emergently copy of orders passed on I.A.84/07 and I.A.86/07 (Exts.P1 and P2) provided the petitioner has made an application for carbon copy on 12.3.2007. The copy has to be issued positively, within three days from the date on which a copy of this judgment is received by him. Petitioner shall be at liberty to produce a copy of this judgment in the court below to enable the Munsiff to comply with the above direction.

3. This writ petition is disposed of with the above directions.

Issue copy of this judgment emergently to the counsel for the petitioner.

K.P.BALACHANDRAN, JUDGE

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